

# Driving under the influence of alcohol or drugs and the Point System in New Jersey

Driving in New Jersey is a privilege you can enjoy as long as you drive safely. When you obey the rules and regulations, you are respecting your fellow drivers and you are properly using the roads that belong to everyone.

On the other hand, if you violate New Jersey’s driving laws, you will lose your driving privilege. New Jersey will also suspend that privilege if you’ve been convicted of a violation in another state that also would be grounds for suspension here. The violations become a permanent part of your driver history record.

Driving under the influence of alcohol or drugs, or reckless driving are examples of some of the motor vehicle violations that can cost you your driving privilege. Because a suspension is a temporary removal of your driving privilege, it will take time and money to reinstate that privilege.

This brochure presents facts about the penalties imposed when you drive under the influence of alcohol and other drugs in New Jersey.

POINT SCHEDULE					
Any person who is convicted of any of the following offenses, including offenses committed while operating a motorized bicycle, will be assessed points for each conviction in accordance with the following N.J.S.A. * schedule:					
N.J.S.A. SECTION NUMBER	OFFENSE	POINTS	N.J.S.A. SECTION NUMBER	OFFENSE	POINTS
	New Jersey Turnpike, Garden State Parkway, Atlantic City Expressway		39:4-89	Tailgating	5
27:23-29	Moving against traffic	2	39:4-90	Failure to yield at intersection	2
27:23-29	Improper passing	4	39:4-90.1	Failure to use proper entrances to limited access highways	2
27:23-29	Unlawful use of median strip	2	39:4-91-92	Failure to yield to emergency vehicles	2
	All roads and highways		39:4-96	Reckless driving	5
39:3-20	Operating constructor vehicle in excess of 45 mph	3	39:4-97	Careless driving	2
39:4-14.3	Operating motorized bicycle on a restricted highway	2	39:4-97a	Destruction of agricultural or recreational property	2
39:4-14.3d	More than one person on a motorized bicycle	2	39:4-97.1	Slow speed blocking traffic	2
39:4-35	Failure to yield to pedestrian in crosswalk	2	39:4-97.2	Driving in an unsafe manner (Points only assessed for the third or subsequent violation(s) within a five-year period.)	4
39:4-36	Failure to yield to pedestrian in crosswalk; passing a vehicle yielding to pedestrian in crosswalk	2	39:4-98 and	Exceeding maximum speed 1-14 mph over limit	2
39:4-41	Driving through safety zone	2	39:4-99	Exceeding maximum speed 15-29 mph over limit	4
39:4-52	Racing on highway	5		Exceeding maximum speed 30 mph or more over limit	5
39:4-55	Improper action or omission on grades and curves	2	39:4-105	Failure to stop for traffic light	2
39:4-57	Failure to observe direction of officer	2	39:4-115	Improper turn at traffic light	3
39:4-66	Failure to stop vehicle before crossing sidewalk	2	39:4-119	Failure to stop at flashing red signal	2
39:4-66.1	Failure to yield to pedestrians or vehicles while entering or leaving highway	2	39:4-122	Failure to stop for police whistle	2
39:4-66.2	Driving on public or private property to avoid a traffic sign or signal	2	39:4-123	Improper right or left turn	3
39:4-71	Operating a motor vehicle on a sidewalk	2	39:4-124	Improper turn from approved turning course	3
39:4-80	Failure to obey direction of officer	2	39:4-125	Improper U-turn	3
39:4-81	Failure to observe traffic signals	2	39:4-126	Failure to give proper signal	2
39:4-82	Failure to keep right	2	39:4-127	Improper backing or turning in street	2
39:4-82.1	Improper operating of vehicle on divided highway or divider	2	39:4-127.1	Improper crossing of railroad grade crossing	2
39:4-83	Failure to keep right at intersection	2	39:4-127.2	Improper crossing of bridge	2
39:4-84	Failure to pass to right of vehicle proceeding in opposite direction	5	39:4-128	Improper crossing of railroad grade crossing by certain vehicles	2
39:4-85	Improper passing on right or off roadway	4	39:4-128.1	Improper passing of school bus	5
39:4-85.1	Wrong way on a one-way street	2	39:4-128.4	Improper passing of a frozen dessert truck	4
39:4-86	Improper passing in no passing zone	4	39:4-129	Leaving the scene of an accident	
39:4-87	Failure to yield to overtaking vehicle	2		No personal injury	2
39:4-88	Failure to observe traffic lanes	2		Personal injury	8
			39:4-144	Failure to observe stop or yield signs	2
			39:5C-1	Racing on highway	5
			39:5D-4	Moving violation out of state	2

\*New Jersey Statutes Annotated

## Points on your motor vehicle record

Motor Vehicle Services (MVS) tracks your driving behavior by adding points to your record when you are convicted of a moving violation. The more serious the violation, the more points you are assessed. The schedule at the right shows a list of moving violations and their point values.

### Points-assessed violation notices

- After two years, MVS will send advisory notices whenever points-assessed violations are added to your driving record and the point total is 6 to 11.

### License suspension notice

For a total of **12 or more points** on your driving record, MVS will issue a notice of scheduled suspension of your driving privilege.

### Point violations remain on your driver record

All point violations earned since March 1, 1974 remain on your driver history record. However, this record differs from your current driver status that equals the point total minus the point credit reductions.

### How points are deducted

**Your point total will never go below zero.** Up to three points will be subtracted from your point total one year after:

- your last point violation; or
- your license restoration; or
- your record was violation and suspension free for the past year; or
- the last time annual safe driving points were subtracted from your record (whichever is later); or when
- you complete an MVS driver improvement program offered to problem drivers selected by MVS. You can receive credit a maximum of once every two years.

Up to two points may be subtracted from your point total after:

- you complete an MVS approved defensive driving course. Credit is given for one program every five years.

**NOTE: None of these point reductions apply to insurance surcharge point totals.**

# COURT IMPOSED FINES AND PENALTIES

## Driving under the influence of alcohol or drugs (DUI)

### First offense

- 6 months-1 year driving privilege suspension
- \$250-\$400 fine
- 12-48 hours resource center
- maximum 30 days imprisonment\*

### Second offense

- 2 years driving privilege suspension
- \$500-\$1,000 fine
- 30 days community service
- 12-48 hours resource center
- 48-90 days imprisonment\*

### Third offense

- 10 years driving privilege suspension
- \$1,000 fine
- 90 days maximum community service
- 12-48 hours resource center
- 180 days imprisonment\*

## DUI in school zone or school crossing

### First offense

- 12-24 months driving privilege suspension
- \$500-\$800 fine
- 60 days imprisonment\*

### Second offense

- 48 months minimum driving privilege suspension
- \$1,000-\$2,000 fine
- 60 days community service
- 96 hours-180 days imprisonment\*

### Third offense

- 20 years driving privilege suspension
- \$2,000 fine
- 180 days imprisonment\*

## Refusing the chemical test

### First offense

- 6 months driving privilege suspension
- \$250-\$500 fine
- 12 hours minimum resource center

### Second offense

- 2 years driving privilege suspension
- \$250-\$500 fine
- 12 hours minimum resource center

### Third and subsequent offenses

- 10 years driving privilege suspension
- \$250-\$500 fine
- 12 hours minimum resource center

## Refusing chemical test in school zone or crossing

### First offense

- 1 year driving privilege suspension
- \$500-\$1,000 fine

### Second offense

- 4 years driving privilege suspension
- \$500-\$1,000 fine

### Third or subsequent offenses

- 20 years driving privilege suspension
- \$500-\$1,000 fine

## Underage

For persons under 21 (the legal age in NJ to purchase an alcoholic beverage) who consume an alcoholic beverage, then drive a vehicle when their blood alcohol concentration is 0.01% or more, but less than 0.10%, the penalties are:

### minimum

- 30-90 day driving privilege suspension if currently licensed; *or*
- 30-90 day prohibition from becoming a licensed driver at 17 years; *and*
- 15-30 days mandatory community service; *and*
- participation in an Intoxicated Driver Resource Center or other alcohol education and highway safety program

### OR

- a combination of the minimum sentences above and DUI sentences (see schedule)

### maximum

- DUI sentences (see schedule). If the blood alcohol concentration is 0.10% or higher, underage persons will receive DUI sentences as noted.

## Interlock device requirements

The courts may require first and repeat DUI offenders to use ignition interlock devices. To start the vehicle, the driver must blow into the device. The vehicle will not start if the driver's blood alcohol content exceeds 0.05 percent.

### First offense, court may impose:

- 6 months-1 year installation of interlock device after restoration of driving privilege

### Second offense

- 1-3 years installation of interlock device after restoration of driving privilege; *or*
- 2 years suspension of registration privileges

### Third offense

- 1-3 years installation of interlock device after restoration of driving privilege; *or*
- 10 years suspension of registration privilege

\*Driving privilege suspension to commence on completion of prison sentences.

## Conviction surcharges

In addition to the court imposed fines and penalties, anyone convicted of DUI or chemical test refusal is subject to:

- an insurance surcharge of \$1,000 a year for three years (\$3,000) for the first and second conviction within a three-year period.
- an insurance surcharge of \$1,500 a year for three years (\$4,500) for a third offense within a three-year period.
- a single \$100 DUI enforcement surcharge that must be paid to the court with the required fine upon conviction.

The surcharges will be imposed on a New Jersey or an out-of-state conviction.

Failure to pay the surcharge will result in indefinite suspension of all driving privileges and the filing of a judgment against any personal property.

## Insurance surcharge — point violations

Motorists who incur six or more motor vehicle points are also subject to an insurance surcharge of \$100 for six points and \$25 for each additional point. The point surcharge will remain operational as long as a motorist has six or more points on his record for the immediate past three-year period. MVS will suspend all driving privileges indefinitely and take judgment action if the surcharge is not paid. Other surchargeable violations are:

- driving while unlicensed \$100
- driving while suspended \$250
- failing to insure a MOPED \$100
- operating an uninsured vehicle \$250

## Boaters

Boaters convicted of driving under the influence (DUI) on New Jersey's waterways will be suspended from both boating and all driving privileges. Violators under 17 will have their vehicle and MOPED driving privileges delayed for a term equal to the suspension period.

## No conditional or special work licenses

New Jersey does **not** have conditional or special work licenses. If you do not have a valid license, or if your driving privilege is suspended for drunk driving or any other violation, you cannot drive for any reason until your privilege is restored.

### 24-Hour Telephone Information and Assistance

For License Suspensions and Restorations  
(609) 292-7500

For General Customer Information  
(888) 486-3339 toll free in NJ  
(609) 292-6500 from out of state

**or, write to:**

NJ Department of Transportation, Motor Vehicle Services  
P.O. Box 134 Trenton, New Jersey 08666-0134

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# New Jersey Facts

- Driving under the Influence (DUI)
- Point System

July 2002

**James E. McGreevey**  
Governor

**Jamie Fox**  
Commissioner

**Diane Legreide**  
Director



**New Jersey Department of Transportation**  
Motor Vehicle Services

<http://www.state.nj.us/mvs>